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***Attorneys for Defendants Thomson
Consumer Electronics, Inc.***

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION,

No. 07-cv-5944-SC
MDL No. 1917

This Document Relates to:

*Electrograph Systems, Inc. et al. v.
Technicolor SA, et al., No. 13-cv-05724;*

*Alfred H. Siegel, as Trustee of the Circuit
City Stores, Inc. Liquidating Trust v.
Technicolor SA, et al., No. 13-cv-05261;*

*Best Buy Co., Inc., et al. v. Technicolor SA,
et al., No. 13-cv-05264;*

*Interbond Corporation of America v.
Technicolor SA, et al., No. 13-cv-05727;*

*Office Depot, Inc. v. Technicolor SA, et al.,
No. 13-cv-05726;*

*Costco Wholesale Corporation v.
Technicolor SA, et al., No. 13-cv-05723;*

**DECLARATION OF JEFFREY S.
ROBERTS IN SUPPORT OF
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL AND REPLY IN
SUPPORT OF THOMSON
CONSUMER'S MOTION FOR
SUMMARY JUDGMENT AND PARTIAL
SUMMARY JUDGMENT**

1 *P.C. Richard & Son Long Island*
 2 *Corporation, et al. v. Technicolor SA, et al.,*
 3 *No. 31:cv-05725;*

4 *Schultze Agency Services, LLC, o/b/o*
 5 *Tweeter Opco, LLC, et al. v. Technicolor SA,*
 6 *Ltd., et al., No. 13-cv-05668;*

7 *Sears, Roebuck and Co. and Kmart Corp. v.*
 8 *Technicolor SA, No. 3:13-cv-05262;*

9 *Target Corp. v. Technicolor SA, et al., No.*
 10 *13-cv-05686*

11 *Tech Data Corp., et al. v. Hitachi, Ltd., et*
 12 *al., No. 13-cv-00157*

13 *Dell Inc. v. Hitachi Ltd.,*
 14 *No. 13-cv-02171;*

15 *Sharp Electronics Corp., et al. v. Hitachi,*
 16 *Ltd., et. al., No. 13-cv-01173*

17 *ViewSonic Corporation v. Chunghwa Corp.,*
 18 *et al., No. 14-cv-02510*

19 I, Jeffrey S. Roberts, hereby declare as follows:

20 1. I am currently an attorney with the law firm Faegre Baker Daniels LLP, counsel
 21 for Defendants, Thomson SA and Thomson Consumer Electronics, Inc. (“Thomson Consumer”)
 22 (collectively, “Thomson Defendants”). I am an active member in good standing of the bar of the
 23 State of Colorado and am admitted to practice *pro hac vice* before the United States District Court
 24 for the Northern District of California. I make this declaration in support of Reply In Support of
 25 Thomson Consumer’s Motion for Summary Judgment and Partial Summary Judgment (“Reply”)
 26 and the Thomson Defendants’ Administrative Motion to File Under Seal portions of and certain
 27 exhibits attached to that Reply. The statements contained in this declaration are based on my
 28 personal knowledge and, if called as a witness, I could competently testify to the following facts.

2. Since discovery against the Thomson Defendants in these actions began, the
 Thomson Defendants have produced to the Plaintiffs over 283,000 bates labeled pages of
 documents. Because many of these documents were produced in native format with a single

1 bates number and many of these native files are twenty pages or longer, the Thomson Defendants
2 have likely produced over 1 million pages of documents.

3 3. Since discovery against the Thomson Defendants in these actions began, the
4 plaintiffs have deposed the following current or former employees of Thomson Consumer: (1)
5 Mr. Jack Brunk; (2) Mr. Tom Carson; (3) Mr. J.P. Hanrahan; (4) Mr. Alex Hepburn; (5) Mr. Jack
6 Hirschler; and (6) Ms. Jackie Taylor-Boggs.

7 4. Attached hereto as **Exhibit 33** are true and accurate copies of excerpts from the
8 January 8-9, 2015 Rule 30(b)(6) deposition of the Thomson Defendants.

9 5. Attached hereto as **Exhibit 34** is a true and accurate copy of a document produced
10 by Thomson Consumer in this litigation bearing bates numbers TCE-CRT 0026360-TCE-CRT
11 0026361.

12 6. Attached hereto as **Exhibit 35** are true and accurate copies of excerpts from the
13 August 29, 2014 deposition of Thomson Consumer employee Ms. Jackie Taylor-Boggs.

14 7. Attached hereto as **Exhibit 36** is a true and accurate copy of a document produced
15 in this litigation bearing bates numbers TSA-CRT 00157524-00157527.

16 8. Attached hereto as **Exhibit 37** is a true and accurate copy of a document produced
17 in this litigation bearing bates numbers MTPD-0570796-MTPD-00570802. A certified English
18 language translation of this document is attached hereto as **Exhibit 37E**.

19 9. Attached hereto as **Exhibit 38** is a true and accurate copy of a document produced
20 by Thomson Consumer in this litigation bearing bates numbers TCE-CRT 0021804-TCE-CRT
21 0021806.

22 10. Attached hereto as **Exhibit 39** is a true and accurate copy of the metadata
23 associated with a document produced by Thomson Consumer in this litigation bearing bates
24 numbers TCE-CRT 0012393-TCE-CRT 0012394.

25 11. Attached hereto as **Exhibit 40** is a true and accurate copy of the metadata
26 associated with a document produced by Thomson Consumer in this litigation bearing bates
27 numbers TCE-CRT 0012517-TCE-CRT 0012520.

12. Attached hereto as **Exhibit 41** is a true and accurate copy of the metadata associated with a document produced by Thomson Consumer in this litigation bearing bates numbers TCE-CRT 0012622-TCE-CRT 0012623.

13. Attached hereto as **Exhibit 42** is a true and accurate copy of the metadata associated with a document produced by Thomson Consumer in this litigation bearing bates numbers TCE-CRT 0012505-TCE-CRT 0012507.

14. Attached hereto as **Exhibit 43** is a true and accurate copy of the metadata associated with a document produced by Thomson Consumer in this litigation bearing bates numbers TCE-CRT 0012530-TCE-CRT 0012531.

15. On June 18, 2008, the Court entered a “Stipulated Protective Order” in this matter [Dkt. No. 306] (the “Protective Order”). On February 16, 2015 the Thomson Defendants filed an Administrative Motion to Seal and lodged under seal, pursuant to Civil Local Rules 7-11 and 79-5(d), the following documents or portions thereof, that contain and/or reference information from documents or testimony the Thomson Defendants or other parties in this action have designated “Confidential” or “Highly Confidential”:

- a. Exhibits 33, 34, 35, 36, 37, 37E and 38 to Thomson Consumer’s Reply;
- b. The highlighted portions of Thomson Consumer’s Reply, which discuss or reference documents or testimony the Court has previously ordered sealed. *See* Order Granting Administrative Motions for Leave to File Under Seal [Dkt. 3498].

16. In accordance with Civil Local Rules 7-11 and 79-5(d) and the Stipulated Protective Order the following should be maintained under seal:

- a. Exhibits 33, 34, 35, 36, and 38 to Thomson Consumer’s Reply; and
- b. The highlighted portion of Thomson Consumer’s Reply.

17. Upon information and belief, the documents and/or testimony contained Exhibits 33, 34, 35, 36, and 38 were designated as “Confidential” or “Highly Confidential” by the Thomson Defendants because they contain confidential, non-public, highly sensitive business information about the Thomson Defendants’ business practices, customers, strategies, and supplier relationships. Publically disclosing this sensitive information risks undermining the Thomson

1 Defendants' business relationships and harming its suppliers and customers and putting the
2 Thomson Defendants at a competitive disadvantage.

3 18. I declare under penalty of perjury, under the laws of the United States of America,
4 that the foregoing is true and correct.

5 Executed this 16th day of February 2015, at Denver, Colorado.

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7 /s/ Jeffrey S. Roberts
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